

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-23

Bill No. 73-22 (as amended)

Introduced by Mr. Arthur H. Helton, Jr.

AN ACT

AN EMERGENCY ACT to repeal Sections 432 through 455 of the Code of Public Local Laws of Harford County (1965 Edition and 1971 Supplement), title, "Metropolitan Commission"; and to repeal Sections 473 and 474 of the said Code, titled, "Roads and Public Works"; to add new Sections 432 through 452 to the said Code to follow immediately after Section 431 to be under the new heading, "Public Works Department", subheading, "Division of Water and Sewers"; and to add new Section 489A to the said Code to be under the new subheading "Transfer of Metropolitan Commission Finances"; to provide for the assignment of Metropolitan Commission functions, personnel, and funds to the appropriate offices and departments of the County government; to put all water and wastewater facilities under the Department of Public Works; to provide for financing and rates therefor; and relating generally to water, sewerage, wastewater and the Department of Public Works.

By the Council August 7, 1973

Introduced, read first time, ordered posted and public hearing scheduled on  
September 6 1973, at 7:30 P.M. in the  
Council Hearing Room, Bel Air, Maryland.

By order, Amogwe B. Johnston, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on September 6, 1973 and concluded on September 6, 1973.

Amogwe B. Johnston, Secretary

1 Section 1. Be it enacted by the County Council of Harford County,  
2 Maryland, that Sections 432 through 455 of the Code of Public  
3 Local Laws of Harford County (1965 Edition and 1971 Supplement)  
4 be, and they are hereby, repealed and the new Sections 432  
5 through 452 be, and they are hereby, added to the said Code, said  
6 Sections to be under the new heading, "Department of Public  
7 Works", subheading, "Division of Water and Sewers", and that  
8 Sections 473 and 474 of the said Code be, and they are hereby,  
9 repealed, and that new Section 489A to be under the new subheading,  
10 "Transfer of Metropolitan Commission Finances", be, and it is  
11 hereby, added to the said Code to follow immediately after  
12 Section 489, said new Sections to read as follows:

13 DEPARTMENT OF PUBLIC WORKS

14 Division of Water and Sewers

15 432. Metropolitan Commission personnel, functions, and  
16 property transferred to County.

17 (a) From and after February 15, 1973, all employees  
18 of the Metropolitan Commission, (except the Commissioners and  
19 general counsel for the Commission), shall be employees in the  
20 Classified Service of Harford County and shall be assigned by  
21 the County Executive to the various offices and departments of  
22 the County government according to the individual's skills and  
23 qualifications and the requirements of the County in such  
24 positions and at such rates of pay as may be provided by  
25 Ordinance.

26 (b) From and after February 15, 1973, all of the  
27 functions of the Metropolitan Commission shall be assumed by the  
28 following departments or offices of Harford County:

- 29 (1) Purchasing by the Procurement Officer.  
30 (2) Personnel by the Personnel Officer.  
31 (3) Accounting by the Department of Finance.  
32 (4) Assessments, Design, Operation, Construction,

1 Maintenance and Repair of Utility Facilities by the Department  
2 of Public Works.

3 (5) Any other functions as directed by the County  
4 Executive.

5 (c) On and after February 15, 1973, all property or  
6 interests therein of any kind or description, real, mixed or  
7 personal of the Metropolitan Commission shall vest in and  
8 become the property of Harford County, Maryland. All such  
9 personal property, equipment and vehicles shall be under the  
10 direction, control and supervision of the Department of Public  
11 Works except that any personal property, equipment or vehicle  
12 associated with a function assigned to an office or department  
13 other than the Department of Public Works shall be under the  
14 direction, control and supervision of that other office or  
15 department.

16 (d) The following terms when used in this subtitle  
17 shall be construed as follows:

18 (1) County Council means the County Council of  
19 Harford County, Maryland.

20 (2) County Executive means the County Executive  
21 of Harford County, Maryland.

22 (3) County means Harford County, Maryland.

23 (4) Director means the Director of Public Works.

24 (5) Department means the Department of Public  
25 Works.

26 433. Sanitary District. Harford County is declared to  
27 be a Sanitary District, and the Department of Public Works,  
28 Division of Water and Sewers, shall exercise control of all  
29 publicly owned water, sewerage, and waste water facilities in  
30 Harford County, and rules and regulations governing the use  
31 and conservation thereof may be adopted as provided for in the  
32 Charter of Harford County, Maryland; provided:

1 (a) That the Department shall exercise no authority  
2 over the operation or construction of the sewerage, water and  
3 drainage facilities of any incorporated municipality, including  
4 the extension of such facilities beyond the corporate limits of  
5 any municipality, as such extensions may exist on February 15,  
6 1973; and

7 (b) That the extension of such facilities beyond  
8 the corporate limits of any municipality after February 15, 1973,  
9 shall be subject to the approval and authority of the County  
10 Council upon recommendation of the County Executive, except that  
11 such approval shall not be required in the event of annexation  
12 pursuant to Article 23A of the Annotated Code of the Public  
13 General Laws of Maryland, and provided further whenever  
14 annexation occurs where water and/or sewer facilities have been  
15 previously installed by Harford County, all outstanding bonds  
16 remaining unpaid for said facilities shall be redeemed by said  
17 municipality annexing, at the time of annexation; and

18 (c) That the merger of the Edgewood Sanitary District  
19 with the Harford County Sanitary District, shall in no manner  
20 effect outstanding bonds; and

21 (d) That in exercising the powers granted by this  
22 subtitle, the Department shall not be subject to the provisions  
23 of any planning regulations or zoning ordinances effective in  
24 Harford County.

25 434. Acquisition; condemnation.

26 (a) Power to condemn. Whenever it is deemed necessary  
27 to take or acquire any land, structure, or buildings, or any  
28 stream bed, waterway, water rights, or watershed, either in fee  
29 or as in easement, within or without Harford County, for the  
30 construction, extension or maintenance of any water main, sewer,  
31 or appurtenance thereof, or any sewage treatment plant, reservoir,  
32 water treatment plant, storage tank, or pumping station or, for

1 the execution by the Department of any other power or function  
2 vested in it by this subtitle, the County Executive, if he be  
3 unable to acquire the property or right by purchase, may, in  
4 accordance with the provisions of Section 210(c) of the Code of  
5 Public Local Laws of Harford County, (1965 Edition as amended),  
6 condemn the property or right by proceedings in the Circuit  
7 Court for the County in which the property or right is located,  
8 as provided for condemnation of land in the Public General Laws  
9 of Maryland and the Rules of Procedure of the Court of Appeals  
10 of Maryland, as amended, pertaining to condemnation, now or here-  
11 after in effect; and the County Executive may likewise condemn  
12 the interest of any tenant, lessee, or other person having  
13 any right or interest in the property or right. At any time  
14 after ten (10) days after the return and recordation of the  
15 verdict or award in such proceedings, the County may enter and  
16 take possession of the property so condemned, upon first paying  
17 to the Clerk of the Court the amount of the award and all costs  
18 taxed to that date, notwithstanding any appeal or further  
19 proceedings upon the part of the defendant. At the time of said  
20 payment, however, the County shall give its corporate undertaking  
21 to abide by and fulfill any judgment in any such appeal or  
22 further proceedings provided, however, that the County Executive  
23 shall have no authority to condemn sewage, water, or drainage  
24 facilities owned and operated by the municipalities of Havre de  
25 Grace, Aberdeen, and Bel Air, situate and lying solely within  
26 the corporate limits of those municipalities.

27 (b) Award. In the condemnation of privately owned  
28 water or sewerage systems the jury shall take into consideration  
29 as a part of its award any payment, contribution or tax upon  
30 the respective lot owners or purchasers toward the construction  
31 of said system, and where said system or systems have been built  
32 in connection with or for the purpose of developing home sites,

1 435. Same; purchase or gift.

2 (a) Power to acquire. The County Executive WITH APPROVAL  
3 OF THE COUNTY COUNCIL may purchase or acquire by gift any existing  
4 water, sewerage, or drainage systems, or parts thereof, including  
5 those owned, operated by or serving any municipality or any land,  
6 structure, buildings, stream bed, water rights or watershed, either  
7 in fee or as an easement, which in his judgment is desirable or  
8 necessary for the purpose of providing adequate water, sewerage  
9 or drainage service or either for the residents of the County.  
10 In any such purchase, before any part of the purchase price is  
11 paid other than a nominal sum of money to bind the agreement, it  
12 is the duty of the vendor or agent to furnish an affidavit to  
13 the County Executive or his designee setting forth all names  
14 and addresses of persons having any interest or claims against  
15 the property.

16 (b) Notice. Thereupon it is the duty of the County  
17 Executive or his designee to notify personally or by certified  
18 or registered mail, return receipt requested, all persons having  
19 any interest in the property, and in addition the County  
20 Executive or his designee shall give three (3) weeks notice  
21 of the County's intention to purchase the property, in a news-  
22 paper or newspapers published within the County where the  
23 property is located. Each person having any claim whatever  
24 against the property shall file its, his or her claim with the  
25 Department on or before the expiration date mentioned in the  
26 notice at which time any such persons shall be heard.

27 (c) Use of purchase price. Any municipality whose  
28 system or any portion thereof is acquired by the County by  
29 purchase shall use the amount paid to it for the system for the  
30 purchase or redemption of any bonds or debt which may be out-  
31 standing against the same; or the County as part of the purchase  
32 price of the system may assume the payment of any such bond or

1 debt. The County Executive may purchase any existing water mains,  
2 sewers or systems, in whole or in part, which are necessary or  
3 desirable for the purpose of carrying out the powers vested in  
4 him by this subtitle.

5 436. Contracts; authority of County Executive. The County  
6 Executive has full power and authority to enter into any contract  
7 for the connection of the County's water supply, sewerage, or  
8 drainage systems, with those of any municipality or adjoining  
9 County, or any other governmental agency, for the purchase of  
10 water and for the disposal of sewage drainage from any sanitary  
11 district, and to enter into any other agreement concerning any  
12 matter deemed by the County Executive to be necessary, advisable,  
13 or expedient for the proper construction, maintenance, and  
14 operation of the water supply, sewerage, or drainage systems under  
15 the control of the County, or those under the control of any  
16 municipality, other county or other governmental agency. The  
17 County Executive is further empowered to enter into contracts  
18 with any municipality for the joint acquisition, construction,  
19 ownership, and operation of any water supply sewerage or drainage  
20 system or any portion thereof.

21 437. Permits and connections.

22 (a) Construction work. Before any plumbing, water  
23 works, or sewer construction is done in any building or upon  
24 any private property within the sanitary district, the person,  
25 firm, or corporation doing the construction shall first obtain  
26 a permit from the County and pay therefor the prescribed fee.  
27 The work shall be done under and pursuant to such rules,  
28 regulations, and requirements as the County may from time to  
29 time formulate, and subject to such inspection as the County may  
30 deem necessary; provided that, to avoid duplication of super-  
31 vision, the County Executive or his designee may waive this  
32 provision if the Department of Health AND/OR THE PLUMBING BOARD

1 OF HARFORD COUNTY issues the permits and makes the inspections  
2 required by this subsection.

3 (b) Installations. No private or public water supply  
4 SYSTEM or sewerage installation intended for use of two (2) or  
5 more buildings or premises shall be constructed, nor shall any  
6 existing system be extended in the sanitary district unless the  
7 person, firm, or corporation doing the work has first obtained  
8 a permit from the County and paid the prescribed fee. The  
9 ~~plant~~ FACILITY then shall be installed, maintained, and operated  
10 under such rules and regulations as the Department may require or  
11 devise. The County shall have full and complete jurisdiction  
12 over all fire hydrants connected with its water system; and  
13 no person, firm or corporation may operate, use, make connection  
14 with, or withdraw water from the system without the written  
15 authority of the County Executive or his designee, except that  
16 no restriction shall apply to any bona fide fire department in  
17 the discharge of its duties. Outside the bounds of incorporated  
18 towns, the County Executive, upon a determination that public  
19 safety will be served, may require the installation of fire  
20 hydrants to public or private systems existing or to be  
21 constructed and may prescribe such rules and regulations for the  
22 use and maintenance thereof as it deems necessary. The County  
23 Executive is authorized to enter into any agreements with the  
24 owners or operators of such systems designed to install fire  
25 hydrants or other fire protection equipment as may be deemed  
26 in the public interest. No person, firm, or corporation may  
27 tamper with, deface, damage, or obstruct any fire hydrant. A  
28 violation of any of the provisions of this Section is a  
29 misdemeanor, punishable under Section 450 of this subtitle.

30 (c) Exception. Nothing in this Section is  
31 applicable within any municipality or to any sanitary system  
32 operated by a municipality.

1 438. When connection required.

2 (a) Within six (6) months from the date that any  
3 public water or wastewater lateral is complete and ready for the  
4 delivery of water or the reception of wastewater, every abutting  
5 property owner shall make a connection of all spigots or hydrants,  
6 toilets, and waste drains with such PUBLIC water or wastewater  
7 ~~main~~ LATERAL and no cesspool, septic tank, dry well, privy, vault  
8 or well for household water purposes shall be used or maintained  
9 on the property and no cross-connection of any kind shall be  
10 permitted; provided, however, that if the County Health Officer  
11 shall find that any such dry well, privy, vault or well for house-  
12 hold water purposes shall constitute a nuisance or a menace to  
13 health or safety, he shall so notify the Director who shall  
14 require immediate connection to such public water lateral or  
15 wastewater lateral. If any person shall fail to make such  
16 connection, the County, upon written notice to the property owner,  
17 shall make the connection and charge the property owner for the  
18 cost thereof.

19 (b) Compulsory connection to private wastewater  
20 system. Whenever it happens in the County that there is any  
21 community without adequate facilities for the disposal of  
22 wastewater and the Director may deem it inexpedient to construct  
23 a wastewater system as provided in this Chapter and there is or  
24 may be constructed or maintained by private enterprise a  
25 wastewater system or disposal plant for public use, the County  
26 Health Officer shall investigate such conditions, and if after  
27 due notice to all persons who may be directly affected by such  
28 order and an opportunity given to them to be heard, the County  
29 Health Officer shall determine that the sewerage conditions in  
30 such community are such as to be dangerous to public health,  
31 safety or general welfare of the County, it shall be the duty  
32 of the County Health Officer to so notify the Director who shall

1 440. Obstructions to County systems. All individuals, firms,  
2 or corporations having buildings, conduits, pipes, tracks,  
3 poles, or other structures or obstructions in, on, over, under,  
4 or through any public road, street, or way, which blocks or  
5 impedes the construction and establishment of the County water  
6 supply, sewerage, or drainage systems, or other works, upon  
7 reasonable notice from the Department, shall promptly so shift,  
8 adjust, accommodate, or remove structures or obstructions as  
9 fully to meet the exigencies occasioning such action; provided,  
10 however, that the cost of such changes shall be borne by the  
11 County. Every public service corporation, company, or individual  
12 before it or they shall begin excavation or construction in any  
13 street, road, way, or public highway shall file with the  
14 Department plans of such work and construction showing the  
15 location and depth in such street, road, way, or public highway  
16 of the proposed main, conduit, pole, pipe or other structure,  
17 and such construction or work shall not be begun until the plan  
18 is approved by the Department nor shall any change be made in  
19 the approved plan or in the work or construction as shown by  
20 the plan, except on further approval of the Department. Whenever  
21 any main, conduit, pole, pipe or other structure is installed  
22 without the filing of plans with the Department and the approval  
23 thereof by it, or when any change is made in the location of the  
24 main, conduit, pipe, pole, or other structure as shown upon the  
25 plans approved by the Department or any approved change therein,  
26 the Department, if and when such conduit, main, pipe, pole, or  
27 other structure interferes with the construction of or operation  
28 of the County water or sewerage system or other works, may  
29 remove the conduit, main, pipe, pole, or other structures, or  
30 change the location thereof at the cost and expense of the  
31 party so putting them in, or their heirs, assigns, or successors,  
32 and without any liability upon the part of the County for

1 pass an order so declaring, and directing the owners or occupants  
2 of such community within such reasonable time and in such  
3 reasonable manner as by such order may be prescribed to connect  
4 their respective premises with such private wastewater system.  
5 Appeals from such orders of the Director may be appealed to the  
6 County Council until such time as an Appeals Board is  
7 established.

8 439. Right of entry; private premises and conservation of  
9 water. Any employee or agent of the Department has the right  
10 of entry, at all reasonable hours, upon any private premises  
11 and into any building in the sanitary district, while in pursuit  
12 of his official duties, upon first presenting proper credentials  
13 from the County and stating the purpose of his presence. The  
14 Director may order and require such changes in plumbing, water  
15 usage or water or sewer connections as he deems necessary to  
16 eliminate leakage, loss of water, unnecessary or improper use  
17 of sewers. The Director shall exercise control of the water  
18 supply at all times and in case of shortage of water or, for any  
19 other reason, the Director, in the exercise of his discretion,  
20 may determine that the water supply should be conserved. The  
21 consumers upon notice from the County, or upon notice published  
22 in two (2) newspapers of general circulation published in the  
23 County, shall comply with any order passed by the Director to  
24 conserve the water supply OR ELIMINATE THE DISCHARGE OF RAIN OR  
25 GROUND WATER IN THE SANITARY SEWERS. In addition to any other  
26 penalty herein prescribed, the County may turn off the water  
27 supply of any person violating such an order at any time without  
28 further notice. Any restraint or hindrance offered by any owner,  
29 tenant, or agent or any other person, to the right of entry in  
30 this Section provided or any violation of any order issued  
31 pursuant to this Section is a misdemeanor punishable under Section  
32 450 of this subtitle.

1 damage that might be done to the same by reason of the County's  
 2 operation in constructing or maintaining its systems or works.  
 3 Any violation of the provisions of this Section is a misdemeanor  
 4 punishable under Section 450 of this subtitle.

5 441. Contract for work; bids. Whenever the plans and  
 6 specifications for water supply, sewerage, or drainage systems  
 7 or extensions thereof shall have been completed and approved  
 8 and the County Executive or his ~~designee~~ DESIGNEE has decided to  
 9 proceed with construction, he shall proceed with competitive bid-  
 10 ding in accordance with Section 219 of the Code of Public Local  
 11 Laws of Harford County; provided that at any time the Director  
 12 in his discretion, may expend by day labor for construction an  
 13 amount not exceeding three thousand dollars (\$3,000.00) without  
 14 advertising and receiving bids. All such contracts shall be  
 15 protected by such bonds, penalties, and conditions as the County  
 16 may require, all of which shall be enforceable in any court  
 17 having jurisdiction. Nothing in this Section shall preclude  
 18 the Department from performing any work with its own employees  
 19 and/or equipment.

20 442. Construction of satellite systems. No sewerage, water,  
 21 or drainage system, or extension thereof, serving two (2) or more  
 22 ~~properties~~ SEPARATE BUILDINGS OR BUSINESSES in the sanitary dis-  
 23 trict may be constructed by any private owner without the prior  
 24 approval of the Director. If upon application for the construc-  
 25 tion or extension of the County system is inexpedient or  
 26 impracticable at that time, owing to the remoteness from its  
 27 general system or other considerations, the applicant may build  
 28 said system under the following conditions:

29 (a) THE PROPOSED SYSTEM HAS BEEN AUTHORIZED BY THE COUNTY  
 30 COUNCIL BY AMENDMENT OF THE COUNTY MASTER WATER AND SEWER PLAN.

31 ~~(a)~~ (b) Said system must be ~~build~~ BUILT in accordance  
 32 with plans and specifications approved by and under the inspection

1 of the Department.

2       ~~(b)~~ (c) Upon completion of said system it shall be  
3 conveyed and made a part of the sewerage and/or water system of  
4 Harford County at no cost to said County.

5       ~~(e)~~ (d) Said system shall comply with all State and County  
6 Health Department regulations and all other regulations per  
7 taining to the PLANNING, construction, maintenance and operation  
8 of such system promulgated by said Health Departments.

9       ~~(d)~~ (e) Users of said system shall pay on a volumetric  
10 rate to be determined by the Department and approved by the  
11 County Council.

12       ~~(e)~~ (f) The Developer shall pay a sum equal to the area  
13 connection charge for each unit using the service in effect at  
14 the time said user becomes a part of the system.

15       ~~(f)~~ (g) Each and every property located in the development  
16 for which a permit is issued for an individual system, water,  
17 sewer or both, shall be required to connect to the system as  
18 hereinbefore provided.

19       ~~(g)~~ (h) All payments with the exception of the water and/  
20 or sewer use charges shall be paid prior to the issuance of any  
21 building permit for the construction of said unit.

22       ~~(h)~~ (i) Said system shall be maintained and operated by  
23 the Department.

24       ~~(i)~~ (j) Use charges for maintenance and operation of  
25 said systems may vary from other systems and once established  
26 may not be increased until after a public hearing by the Director.

27       ~~(j)~~ (k) Any user aggrieved by said rate increase shall  
28 have the right to appeal to the County Council.

29       ~~(k)~~ (l) A point of discharge OR AUTHORIZED MEANS OF WASTE  
30 WATER DISPOSAL for any and all effluent shall first be ISSUED A  
31 NATIONAL POLLUTION DISCHARGE ELIMINATION PERMIT AND BE approved by  
32 the State Department of Health and Mental Hygiene before

1 submission of any application for consideration of any such  
2 system.

3 No application shall be permitted for any  
4 individual treatment plant to serve more than one (1) individual  
5 homeowner, business or complex occupied by more than two (2)  
6 families unless the property to be served shall be able to  
7 receive sewerage service from the County within a period of five  
8 (5) years or has been declared a hazard to the health, safety,  
9 and welfare of the County by the State Department of Health and  
10 Mental Hygiene or the County Health Officer.

11 443. Plan; public hearings; subdistricts.

12 (a) Surveys; operating systems. To provide for the  
13 general health and welfare of the residents of Harford County,  
14 the County Executive WITH APPROVAL OF THE COUNTY COUNCIL may  
15 acquire, construct, operate, and maintain such water, sewer, and  
16 drainage systems as he deems to be in the public interest. The  
17 County Executive may cause surveys, plans, specifications, and  
18 estimates to be made for such systems. Unless all owners of land  
19 which will be served by any such proposed improvements consent in  
20 writing to such improvements being made, the County shall construct  
21 any such system or extension thereof only after a public hearing.  
22 At the hearing, plans and specifications for the proposed  
23 improvements shall be presented together with the estimated costs  
24 thereof and estimated revenues to be derived therefrom. In  
25 any case where a public hearing is required, the Director may  
26 proceed with the proposed improvements only after the County  
27 Council by at least a majority vote following the public hearing,  
28 has approved such proposal, AND THE PROPOSED IMPROVEMENTS HAVE  
29 BEEN APPROVED BY THE MARYLAND STATE DEPARTMENT OF HEALTH AND  
30 MENTAL HYGIENE AND THE PROPOSED IMPROVEMENTS CONFORM TO THE  
31 COUNTY MASTER WATER AND SEWER PLAN AS AMENDED. The County  
32 Executive, upon recommendation of the Director, may divide the

1 sanitary district into water, sewerage, and drainage subdistricts  
2 in such a way as in his judgment will best serve the needs of  
3 the County, and promote convenience and economy of installation  
4 and operation, and permit the raising of revenues and  
5 apportionment of costs to those served on an equitable basis.

6 (b) Applicants for service. If the residents of any  
7 unincorporated locality in the sanitary district voluntarily  
8 make application for a water supply, sewerage, or drainage  
9 system, or part thereof, to be constructed in their locality,  
10 the County may require the applicants to bear the reasonable  
11 costs for any preliminary engineering studies that the County  
12 Executive upon recommendation of the Director deems necessary  
13 to determine whether it is feasible to construct the improvements.  
14 Upon the receipt of such reasonable costs, the Director shall  
15 have the studies made and within a reasonable time thereafter  
16 advise the applicants of the results thereof, together with the  
17 Director's determination with respect to the application.

18 444. Bonds

19 (a) Issue. For the purpose of providing funds for  
20 the investigations, surveys, studies, design, construction,  
21 establishment, purchase, or condemnation of water supply,  
22 sewerage, and drainage systems in the sanitary district, the  
23 County Council shall authorize the issuance of bonds from time  
24 to time upon the full faith and/OR credit of Harford County,  
25 Maryland, in such amounts as it deems necessary to carry on the  
26 County's work, subject to the County's debt limitation as estab-  
27 lished by the Charter of Harford County. The County may pay the  
28 interest on any bonds it issues out of the proceeds of the sale  
29 of the bonds, but not more than one (1) year's interest may be  
30 so expended.

31 (b) Procedure. The form, tenor, manner of selling,  
32 and all other matters relating to the issuance of bonds under

1 this subtitle shall be prescribed in a resolution to be adopted  
2 by the County Council at least fifteen (15) days prior to sale  
3 of the bonds in accordance with Section 524(a) of the Harford  
4 County Charter. If bonds are issued, the provisions of Sections  
5 9, 10, and 11 of Article 31 of the Annotated Code of Maryland,  
6 (1957 Edition), and amendments thereto, shall be complied with.  
7 The bonds shall be serial bonds issued upon a serial maturing  
8 plan. The bonds may be redeemable before maturity at the option  
9 of the County at such price and under such terms and conditions  
10 as may be fixed by the County prior to the issuance of the bonds,  
11 shall bear interest at a rate not exceeding eight percent (8%)  
12 per annum, shall mature in not more than thirty (30) years after  
13 date of issue, and shall be forever exempt from State, City,  
14 and County taxation. They shall be issued under the seal of  
15 the County and shall be guaranteed as to payment of principal  
16 and interest by the County, which guarantee shall be endorsed  
17 on each of said bonds in the following or similar language:  
18 "The payment of interest when due and the principal at maturity  
19 is guaranteed by Harford County, Maryland." Such endorsement  
20 shall be signed on each of the bonds by the County Executive  
21 within ten (10) days after the bonds are presented to him for  
22 endorsement.

23 (c) In the event that income derived from area  
24 charges and front foot benefit assessments for a specific project  
25 or projects in the County system fails to produce the funds  
26 necessary to retire the bonds issued to finance the project or  
27 projects; a special assessment may be levied, as recommended by  
28 the Director and adopted by Ordinance of the County Council, on  
29 the ~~users~~ of PROPERTIES BENEFITED BY the water and sewer systems,  
30 to obviate the necessity of an ad valorem tax on all property  
31 owners, AS FAR AS POSSIBLE. HOWEVER, IN THE EVENT THAT ALL FUNDS  
32 AVAILABLE FROM WATER, SEWER, ETC. SOURCES ARE INSUFFICIENT TO PAY

1 ANY BONDS ISSUED HEREUNDER WITH THE INTEREST DUE THEREON, THE  
2 COUNTY EXECUTIVE SHALL RECOMMEND AND THE COUNTY COUNCIL SHALL, IN  
3 EACH AND EVERY FISCAL YEAR IN WHICH BONDS ARE OUTSTANDING, LEVY  
4 AND COLLECT AD VALOREM TAXES UPON ALL THE ASSESSABLE PROPERTY  
5 WITHIN THE CORPORATE LIMITS OF HARFORD COUNTY IN RATES AND AMOUNTS  
6 SUFFICIENT TO PROVIDE FOR SUCH PAYMENTS WHEN DUE, TOGETHER  
7 WITH ACCRUED INTEREST TO THE DATE OF PAYMENT. IN THE EVENT THE  
8 PROCEEDS FROM THE TAXES SO LEVIED IN ANY FISCAL YEAR ARE  
9 INADEQUATE FOR THE ABOVE PURPOSES, ADDITIONAL TAXES SHALL BE  
10 LEVIED IN THE SUCCEEDING FISCAL YEAR TO MAKE UP ANY DEFICIENCY.

11 445. Bond retirement assessments.

12 (a) Authorization. For the purpose of paying the  
13 interest and principal due on the bonds issued by the County,  
14 as in this subtitle provided for the water supply, sewerage, or  
15 drainage systems to be constructed, purchased, or established  
16 under this subtitle, the County Executive may recommend to the  
17 County Council an annual assessment on all properties, improved  
18 or unimproved, binding upon a street, road, lane, alley, or  
19 right-of-way in which a water main, sewer, or drain has been  
20 built. The assessment shall be adopted by Ordinance of the  
21 County Council. The first payment shall be collected during  
22 the year in which the construction is completed AND OPERABLE  
23 WITHIN THE PROJECT AREA on the water ~~supply~~ SYSTEM, sewerage, or  
24 drainage systems, or in which the systems are purchased or  
25 acquired. All sums collected by the Treasurer of Harford County  
26 for benefits levied against the property for water, sewerage, or  
27 drainage construction shall be set aside as a separate fund to be  
28 known and designated as the Bond Retirement Assessment Fund.

29 (b) Method of assessment. The County Executive  
30 may recommend to the County Council the assessment on either a  
31 front foot basis or an equal benefit basis:

32 (1) Front foot basis. The Director for the

1 purpose of assessing benefits on a front foot basis shall  
2 divide all properties binding upon a street, road, lane, alley,  
3 or right-of-way, in which a water pipe or sanitary sewer is to  
4 be laid, into four (4) classes, namely: agricultural, small  
5 acreage, industrial or business, and residential, and the  
6 Director may subdivide each of these classes in such manner  
7 as he deems to be in the public interest. Whenever any water  
8 supply or sewerage project in the sanitary district has been  
9 completed and declared ready for service, the County Executive  
10 shall recommend to the County Council that they fix the  
11 assessment annually or semi-annually upon all property in the  
12 district abutting upon the water main or sewer, in accordance  
13 with the classification or subdivision thereof. The Director  
14 may recommend changes in the classification of properties from  
15 time to time as the properties change in the uses to which they  
16 are put. The benefit assessment shall be levied for water supply,  
17 sewerage and drainage construction, and shall be based for each  
18 class of property upon the number of front feet abutting upon  
19 the street, lane, road, alley, or right-of-way in which the  
20 water pipe or sewer is placed; provided that no residential  
21 property may be assessed on more than one side unless it abuts  
22 upon two (2) parallel streets, that corner lots may be averaged  
23 and assessed upon such frontage in a reasonable and fair manner,  
24 and that all lots in the residential and industrial or business  
25 classification shall be assessed even though a water main or  
26 sewer may not extend along the full length of any boundary;  
27 and provided further, that no land classified as agricultural  
28 shall be assessed a front foot benefit when it has constructed  
29 through it or in front of it a sewer or water main until such  
30 time as the water or sewer connection is made, and when so  
31 made and for every connection such land is liable to a front foot  
32 assessment for such reasonable frontage not exceeding three

1 hundred (300) feet, and shall be immediately assessed at the  
2 rate of assessment determined for agricultural land. Any land  
3 owned by a religious body upon which there is erected a church  
4 or a parsonage and which is used exclusively for customary  
5 religious purposes and properties of volunteer county fire  
6 companies shall be exempted from front foot benefit assessment  
7 for the first one hundred fifty (150) feet of the total frontage  
8 of said property.

9 Front foot benefit assessments for water supply and  
10 sewerage and drainage construction shall be as nearly uniform  
11 as is practicable for each class or subclass of property  
12 throughout each system for any one (1) year, and no benefit  
13 charge, once levied, may be increased; provided, however, that  
14 whenever the County acquires an existing system other than a  
15 municipal system, the construction of which has been added in  
16 whole or in part to the purchase price of land or lots abutting  
17 upon the system and which contribution the Director has  
18 determined to be a factor in the cost to the County of such  
19 system, the County Council may levy, after adoption by Ordinance,  
20 such lesser assessment as may take into account this factor.

21 The amount of the assessment per front foot for each  
22 class of property for water, sewer and drainage systems may be  
23 reduced from time to time by the County, if cost and conditions  
24 are deemed to justify the reduction but may be subsequently  
25 increased to the amount of original assessment in the event  
26 revenues prove to be insufficient, after adoption by Ordinance  
27 by the County Council. The benefit assessments shall be paid  
28 annually by all properties located as above specified for  
29 a period of years co-extensive with the period of maturity of the  
30 bonds out of the proceeds of which such construction was done.

31 (2) Equal benefit basis. In any area where the  
32 County Executive determines there is already a high density of

1 homes and commercial buildings, or where public sewer or water  
2 or drainage facilities are needed and can be supplied by the  
3 County on a self-supporting basis, the County Executive with  
4 the approval of the County Council may prescribe boundary lines  
5 to encompass the densely populated areas, and it may refer to  
6 the area as a sanitary subdistrict. In that district, in lieu  
7 of front foot assessments, the County may impose an equal  
8 benefit assessment on each of the properties, or a benefit  
9 assessment on each of the properties calculated by a square  
10 footage benefit standard, which assessments shall be in  
11 whatever amount is required to pay the total cost of providing  
12 and installing the public utilities for the sanitary subdistrict.  
13 Should any lot owner in that sanitary subdistrict divide his  
14 lot, and water or sewer services be provided therefor, the  
15 same assessment shall be imposed as on other properties.

16 (c) Notice. The Director shall notify property  
17 owners, by registered mail at their last known address, by  
18 personal delivery to an adult living on the property, or by  
19 posting a notice on unimproved property, of the date, time, and  
20 place of the public hearing at which the County Council will  
21 adopt the classification and assessment for the property. Such  
22 notice must be provided at least fifteen (15) calendar days  
23 prior to the public hearing.

24 (d) Connections. The Director may at any time  
25 permit a connection with a water main or sewer by a property  
26 owner whose property does not abut on a water main or sewer  
27 and who has not previously paid a benefit charge for the construc-  
28 tion of said water main or sewer, provided the Director classifies  
29 the property and a front foot assessment is paid by the  
30 property owner as though the property abutted upon a water main  
31 or sewer; and if the connection is made, the property owner and  
32 the property as to all charges, rates and benefits stand in

every respect in the same position as if the property abutted upon a water main or sewer.

446. Connection charges. For the purpose of carrying out the provisions of this subtitle the County shall make a charge for every drainage, sewer and water connection. The funds derived from such charges shall be used for payment of principal and interest on bonds, accumulating funds for capital improvements, for acquisition and construction of water sewerage and drainage systems and for the purchase of equipment and supplies necessary to the operation of the sanitary district. Connection charges shall be established from time to time by the County Council. Such charges may be based upon such reasonable classifications as the Director may recommend and such classifications may vary within any water, sewer, or drainage system and among any such systems depending on the existence of any special circumstances. The charges herein provided shall not be limited to the costs to the County for making such connections. The ~~Treasurer~~ DIRECTOR OF FINANCE is empowered to determine the manner in which such charges shall be payable.

447. Service charges and upkeep charges. For the purpose of providing funds for maintaining, repairing, and operating its water supply, sewerage, or drainage systems, and for its operation and other expenses, including proper depreciation allowances, and for interest on and the retirements of bonds as specified in this subtitle, the County may make the following charges:

(a) A water and sewer service charge. The rates for water and sewer service may include a minimum or ready-to-serve charge, which shall be based upon the size of the meter on the water connection leading to the property, and a charge for water used, which shall be based upon the amount of water passing through the meter during the period between the last

two (2) readings. The meter shall be required to be placed on each water connection at a one (1) time fee at the time of installation as determined by the Director, and it shall remain the property of the County. The rates shall be uniform throughout each such system operated by the County but the Director may make such classifications as he deems advisable within any such system based upon quantities of water used. If the Department at any time shall not have meters available to install in all the properties in a given locality that are connected to the system, then a flat rate shall be charged on properties in which meters have not yet been installed, which rate shall be uniform in each sanitary system and based upon the ready-to-serve charge and the amount of water used. Bills for water and sewer charges shall be sent quarterly or semi-annually as the ~~Treasurer~~ DIRECTOR OF FINANCE may determine to each property served and shall be payable at the office of the Treasurer or such other place as may be designated. Such charges shall be a lien upon the property served and collectible as elsewhere herein provided. If any bill remains unpaid after thirty (30) days from date of sending, the Department after written notice left upon the premises or mailed to the last known address of the owner, shall turn off the water from the property in question; and the water shall not be turned on again until said bill has been paid, including a turn-on charge of five dollars (\$5.00).

(b) A charge shall be made for the construction and upkeep of drainage, water and sewer systems against all properties benefited by such system or having a connection with any water main or sewer under its operation or ownership. The charge for the construction and upkeep of the drainage, water or sewer system, if any, shall be made upon such reasonable basis as the County may determine. It shall be collected annually in the same manner as are front foot benefit assessments, against

1 all property benefited by such drainage system or having a  
2 connection with a water main or sewer under the operation or  
3 ownership of the County, and shall be a lien against such  
4 property. Such charges shall be based upon such classifications  
5 as the Director from time to time may establish and shall be  
6 uniform throughout each sanitary system within each such  
7 classification; provided, however, that no charge for the upkeep  
8 of water and sewer systems shall be made against any property in  
9 any year for which such property is currently subject to a front  
10 foot benefit assessment as elsewhere in this subtitle provided.  
11 Any person aggrieved by the Director's decision may appeal to  
12 the County Council.

13 448. Charges; due dates; collection; interest. All charges,  
14 levies and assessments provided in this subtitle shall be liens  
15 upon the property served or benefited and, in addition to being  
16 enforced by actions at law, may be enforced by a bill in equity  
17 against the property so served or benefited. The liens shall  
18 be subordinate only to liens for State taxes. Such charges  
19 shall be due when made and after sixty (60) days from that date  
20 shall bear interest at the ~~rate of one-half percent (1/2%) per~~  
21 ~~month~~ SAME RATE AS THAT CHARGED FOR DELINQUENT COUNTY REAL  
22 ESTATE TAXES. Neither the due dates nor the interval between  
23 such dates need be uniform throughout the sanitary district.  
24 BENEFIT ASSESSMENTS SHALL BE DUE ON THE SAME DATE AS COUNTY  
25 REAL ESTATE TAXES AND SHALL BECOME DELINQUENT ON THE FIRST DAY OF  
26 OCTOBER.

27 449. Deferred payment for indigents. The County Council,  
28 upon recommendation of the County Executive, may defer payment  
29 of area charges and bond retirement assessments in cases where  
30 the property owner is indigent and payment would create undue  
31 hardship. These charges shall be a first lien upon the property  
32 and shall become due and payable upon transfer of the property

1 in any manner, said lien shall be recorded among the Land  
2 Records of Harford County.

3 450. Penalties. Every act or omission designated as a  
4 misdemeanor in this subtitle, unless otherwise provided, shall  
5 be punishable in the District Court or Circuit Court for  
6 Harford County, and the offender, upon conviction, shall be subject  
7 to a fine not exceeding one thousand dollars (\$1,000.00) or to  
8 confinement in the County jail for not more than six (6) months,  
9 or both, in the discretion of the Court. If the act or omission  
10 is of a continuing nature and is persisted in, in violation  
11 of the provisions of this subtitle or of any rule or regulation  
12 formulated thereunder, a conviction for one (1) offense shall  
13 not be a bar to the conviction for a continuation of such  
14 offense subsequent to the first or any succeeding conviction.

15 451. Rules and regulations. The Director shall ~~promulgate~~  
16 RECOMMEND rules and regulations for the administration and  
17 enforcement of this subtitle, WHICH AFTER ADOPTION BY THE COUNTY  
18 COUNCIL, SHALL HAVE THE FULL FORCE AND EFFECT OF LAW. In addition  
19 to its own power to adopt appropriate rules and regulations, the  
20 County Council may adopt and enforce regulations of the State  
21 Department of Health and Mental Hygiene and/or the Harford County  
22 Health Officer fixing standards of construction for sanitary  
23 facilities or installations. Prior to the adoption of any such  
24 rules and regulations, other than those of the State Department  
25 of Health and Mental Hygiene or the Harford County Health Officer,  
26 the County Council shall give public notice of the rules and  
27 regulations which it proposes to adopt by publishing the same  
28 in at least two (2) newspapers of general circulation published  
29 in Harford County at least twice, the second of which shall be  
30 not less than fifteen (15) calendar days prior to the public  
31 hearing, the date, time and place of which shall be specified in  
32 such notice.

1 452. Severability. If any provisions of this subtitle  
2 or the application thereof to any person or circumstance is  
3 held invalid for any reason, the invalidity shall not affect  
4 the other provisions or any other application of this subtitle  
5 which can be given effect without the invalid provisions or  
6 applications, and to this end all of the provisions of this  
7 subtitle are declared to be severable.

8 TAXES AND COUNTY TREASURER

9 489A. Transfer of Metropolitan Commission Finances.

10 (a) From and after February 15, 1973, all monies  
11 of the Metropolitan Commission and all debts, credits,  
12 assessments, levies, charges of every kind and description due  
13 to or from the Metropolitan Commission shall become the money,  
14 debt, credit, assessment levy charge to or of Harford County,  
15 Maryland. All money, assessments, levies or charges so  
16 collected or to be collected and all debts paid shall be  
17 credited or debited as the case may be to the current interest  
18 and joint sinking fund and the Harford County Utility Fund in  
19 such banks or trust companies as the County Executive shall  
20 designate AND SUCH FUNDS SHALL BE KEPT SEPARATE AND APART FROM  
21 ALL OTHER COUNTY FUNDS.

22 (b) The Metropolitan Commission is authorized and  
23 directed to execute and deliver to the County Executive by  
24 February 15, 1973, any and all warrants, drafts, receipts, title  
25 certificates, deeds or other indicia of ownership as may be  
26 necessary to effectuate the provisions of this Section.

27 Section 2. And be it further enacted, that an emergency exists  
28 affecting the health, safety and welfare of the citizens of  
29 Harford County in that the functions of the Metropolitan  
30 Commission of providing water and sewer services must continue  
31 uninterrupted; that this Act is declared to be an Emergency Act;  
32 and that this Act shall take effect on the date it becomes law.  
Effective: October 15, 1973

BY THE COUNCIL

Read the third time.

Passed OCTOBER 9, 1973 - LSD 73-30 (With Amendments)~~PAID BY PASSAGE~~

By order

Imogene B. Johnston, Secretary

Sealed with the County Seal and presented to the County Executive for his  
approval this 10TH day of OCTOBER, 1973 at  
10:30 o'clock A.M.

Imogene B. Johnston, Secretary

BY THE EXECUTIVE

APPROVED:

Charles B. Anderson, Jr., County ExecutiveDate 10-15-73

BY THE COUNCIL

This Bill, having been approved by the Executive and returned  
to the Council, becomes law on October 15, 1973.

Imogene B. Johnston  
Imogene B. Johnston, Secretary